



**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

ENTERED
12/18/2018

FOURTH AMENDED STIPULATED SCHEDULING ORDER

This Fourth Amended Stipulated Scheduling Order is made and entered into, as of December 7, 2018, by and among: (1) Evan Brian Crocker, Michael Shahbazi, and Raegena Seitz-Moulds (collectively, “Plaintiffs”); (2) Navient Solutions, LLC (“NSL”); and (3) Navient Credit Finance Corporation (“NCFC”; with NSL, “Defendants”).

WHEREAS, on March 23, 2017, the Court held a hearing at which it requested that the Plaintiffs and Defendants (collectively, the “Parties”) work together to come to an agreed scheduling order;

WHEREAS, on March 26, 2018, the Court entered a Third Amended Stipulated Scheduling Order, Dkt. No. 212, as previously amended on December 4, 2017, Dkt. No. 177, September 28, 2017, Dkt. No. 152, and June 20, 2017, Dkt. No. 134, and as originally entered on May 15, 2017, Dkt. No. 130 (collectively, the “Prior Schedule”), and the Parties have since engaged in written and deposition class-certification discovery;

WHEREAS, on March 26, 2018, the Court entered an Order, Dkt. No. 211, denying Defendants' Motion for Summary Judgment, *see* Dkt. Nos. 162, 163;

WHEREAS, on April, 6, 2018, the Court certified its Order under 28 U.S.C. § 158(a)(3), (d)(2)(A)(i), (iii) and Federal Rule of Bankruptcy Procedure 8006(e) for direct, interlocutory appeal to the U.S. Court of Appeals for the Fifth Circuit, Dkt. No. 220;

WHEREAS, on April, 25, 2018, the Fifth Circuit accepted Defendants' direct, interlocutory appeal of the Court's Order, No. 18-20254, Doc. 00514445049 (5th Cir. Apr. 25, 2018);

WHEREAS Defendants' direct, interlocutory appeal of the Court's Order is fully briefed and the Fifth Circuit has scheduled oral argument for the week of February 4, 2019;

WHEREAS, under the Third Amended Stipulated Scheduling Order, Dkt. No. 212, the Court stayed all unexpired deadlines (as of March 5, 2018) and, with certain exceptions, discovery in this matter;

WHEREAS the parties, in an effort to reduce the cost and burden of discovery and to promote economy of resources (both theirs and the judiciary's), have conferred and stipulate to the following Fourth Amended Stipulated Schedule;

THEREFORE, the Court hereby **ORDERS** the following Fourth Amended Stipulated Schedule:

1. All unexpired deadlines (as of March 8, 2018) set forth in the Federal Rules of Bankruptcy Procedure, this Court's Local Rules, and any Court order, including the Third Amended Stipulated Scheduling Order and the Prior Schedule, remain stayed, effective as of March 8, 2018, pending further Court order, including, without limitation, the deadline to answer or otherwise respond to the Third Amended Complaint, Dkt. No. 194.

2. Except as clarified in paragraphs 3 and 4 below, all discovery in this matter is stayed pending further Court order.

3. The stay imposed by the Third Amended Stipulated Scheduling Order, as reaffirmed in this Fourth Amended Stipulated Scheduling Order, shall not limit (a) Defendants' right to issue written discovery on Raegena Seitz-Moulds; (b) Defendants' right to depose Plaintiffs on class-certification issues (which may be scheduled on mutually agreeable dates after all Plaintiffs have completed their responses to Defendants' written discovery); and (c) the Parties' rights to seek relief from the Court in regard to (i) unresolved discovery issues previously identified by the Plaintiffs in meet-and-confer discussions among the Parties or (ii) Defendants' discovery requests to and deposition of the Plaintiffs.

4. To the extent still applicable following the Fifth Circuit's ruling on Defendants' appeal of the Court's Order denying their motion for summary judgment: (a) with respect to the discovery permitted by paragraph 3 above, and unless otherwise agreed by the Parties in a further stipulated order, Defendants will depose Plaintiffs on class-certification issues within 45 days after the Fifth Circuit's ruling becomes final and non-appealable; and (b) with respect to the requests for production (as to class-certification issues) that Raegena Seitz-Moulds served on June 7, 2018, and unless otherwise agreed by the Parties in a further stipulated order, Defendants will serve responses and objection to such requests within 14 days after the Fifth Circuit's becomes final and non-appealable.

5. This Fourth Amended Stipulated Schedule may be modified by stipulation of the Parties (provided the Parties confirm in advance the Court's availability for any proposed rescheduled hearing dates if necessary and applicable), or for good cause shown upon written motion filed individually by any Party.

SO ORDERED.

Signed: December 11, 2018.



DAVID R. JONES
UNITED STATES BANKRUPTCY JUDGE

**AGREED AS TO FORM AND SUBSTANCE
AND RESPECTFULLY SUBMITTED BY:**

/s/ Jason W. Burge

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